

Federal Defenders OF NEW YORK, INC.

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Southern District

300 Quarropas Street, Room 260

White Plains, N.Y. 10601-4150

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White Plains

March 3, 2020

BY ECF, BY HAND AND MAIL
The Honorable Vincent L. Briccetti
United States District Court Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

APPLICATION GRANTED
SO ORDERED:

V. B.
Vincent L. Briccetti, U.S.D.J.

Dated: 3/3/20

White Plains, NY

*Sentencing adjourned to
6/22/20 at 2:30 p.m.*

Re: United States v. Santos Alvarado
19 Cr. 00114-001(VB)

Dear Judge Briccetti:

This letter is to request a sentencing adjournment of three months for Mr. Santos Alvarado currently scheduled for March 19, 2020 at 10:30. This request is being made to allow this office to fully brief the issue of whether a New York State conviction for contempt 1st, qualifies as a crime of violence under U.S.S.G. §2K2.1(a)(4)(A). The government's position in their *Pimentel* Letter, dated June 5, 2019, is that it does qualify and therefore, the base offense level is a 20. However, probation disagrees, and in their final PSR, page 5, ¶15, has the predicate "crime of violence" as Mr. Alvarado's prior conviction of Attempted Assault 2nd. It is our position that neither of these prior convictions qualifies as crimes of violence. There are cases currently pending in the Second Circuit which may clarify the issue and we anticipate that decisions will be forthcoming which will be determinative. The government does not object to the request for the adjournment but do not agree with the reasons for the request. We thank the Court in advance for your consideration of this request.

Respectfully, submitted,

Susanne Brody
Susanne Brody

cc: Benjamin Gold, A.F.D.
James Ligtenberg, A.U.S.A.
James Mullen, U.S.P.O. Specialist
Mr. Santos Alvarado